

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE APPLICATION OF:
CHENG ET AL.

CASE NO.: CL2360 US NA

APPLICATION NO: UNKNOWN

GROUP ART UNIT: UNKNOWN

FILED: CONCURRENTLY HEREWITH

EXAMINER: UNKNOWN

TITLE: GENES ENCODING CAROTENOID COMPOUNDS

Assistant Commissioner for Patents
Washington, D.C. 20231

DECLARATION OF BIOLOGICAL CULTURE DEPOSIT

Sir:

I, S. Neil Feltham, declare that:

I am an attorney of record for the owner of the above-identified application.

Cultures of the following biological materials have been deposited with the following international depository:

American Type Culture Collection (ATCC)
10801 University Boulevard, Manassas, VA, 20110-2209, U.S.A.

under conditions that satisfy the requirements of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure. A copy of the receipt issued pursuant to Rules 7.3 and 10.2 (stating the term of the deposit) is attached.

<u>Depositor's Identification of Organism</u>	<u>International Depository Accession Number</u>	<u>Date of Deposit</u>
<i>Methylomonas: Methylomonas 16a sp.</i>	PTA-2402	August 22, 2000

I further aver that all restrictions on the availability to the public of the culture will be irrevocably removed upon the granting of a U.S. patent on the above-identified application.

Respectfully submitted,



S. NEIL FELTHAM
ATTORNEY FOR APPLICANTS
US PTO REGISTRATION NO. 36,506
TELEPHONE: (302) 992-6460

Dated: 3/22/01
Enclosure: Deposit Receipt

ATCC

10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2700 • FAX: 703-365-2745

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

DuPont Company
Attn: Kyungok Wun-Kim
DuPont Experimental Station
E301/317
Willmington, DE 19880

Deposited on Behalf of: DuPont Company

Identification Reference by Depositor:
Methylomonas: *Methylomonas* 16a sp.

Patent Deposit Designation
PTA-2402

The deposit was accompanied by: a scientific description a proposed taxonomic description indicated above.

The deposit was received August 22, 2000 by this International Depository Authority and has been accepted.

AT YOUR REQUEST: X We will inform you of requests for the strain for 30 years.

The strain will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strain, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strain.

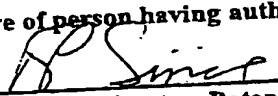
If the culture should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace it with living culture of the same.

The strain will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the culture cited above was tested September 8, 2000. On that date, the culture was viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:


Frank Simione, Director, Patent Depository

Date: November 16, 2000

cc: S. Neil Feltham (Ref: Docket or Case No.: BC-1039)